

Beaver County
Beaver, UT 84713
May 2, 2005

The Beaver County Commission met on May 2, 2005 at 10:00 a.m. for its regularly scheduled meeting. Those present were Mark S. Whitney, Chairman; William L. Dalton, Member; Chad W. Johnson, Member; Von J. Christiansen, Attorney; Bryan L. Harris, Commission Assistant; and Paul B. Barton, Clerk/Auditor.

Minutes of the April 4 & 18, 2005 meetings were read. It was moved by Comm. Dalton, seconded by Comm. Johnson, and unanimously passed to approve the minutes.

Dennie Mathews, Carol Bolsover, Sheriff Ken Yardley, Raymond Goodwin, Ian Adams and Cameron Noel met with the Board to discuss the Homeless Program. Sheriff Yardley stated that the program has been very beneficial in dealing with the indigent. The Board agreed to reimburse the Iron County Care & Share Program for mileage to support the program. The Sheriff will coordinate efforts in the county.

Sheriff Yardley discussed a series of burglaries taking place in the region. He asked permission to offer a reward. It was the consensus of the Board to offer whatever assistance the Sheriff felt was necessary.

At 10:45 a.m. Dave Arslanian and Richard Brauer addressed the County Commission at a *de novo* hearing appealing the Planning & Zoning Commission's decision to deny the recommended approval of a Conditional Use Permit Application for the operation of Eagle Ranch Academy in the "grove" area of Beaver County. Also present for the discussion were Craig Davis, Tarina Leavitt, Sark Arslanian, Ted Johnson, Colton Brauer, Bryan Williams, Holly Brauer, Matt Moody and Paul Arslanian. The affected district is presently zoned RE-1. Mr. Arslanian discussed the purpose of the proposed Eagle Ranch Academy. He characterized the academy as both a school and a residential facility for boys who are "gifted," but who need help getting their lives "back on track." He represented that although the facility would be accredited as a school, it would also be classified as a youth residential facility and be subject to regulation and oversight by the Utah State Department of Health. Mr. Arslanian went on to address safety measures and precautions which he intended to put in place to ensure the safety of local citizens, including: twenty-four hour supervision by adult staff members at a 1 to 4 adult/juvenile ratio; screening practices routing out boys with a juvenile court record; and physical safety precautions such as fences and locks. Mr. Arslanian also assured the County Commission that he would lower the maximum number of youth residents to just 24, but keep open the option to increase the number of students to 40 at some later, undetermined time. He also addressed issues of roads, traffic, water, fire safety, bridge safety. He then presented a letter showing his efforts in coordinating with the health department, along with other materials. After Mr. Arslanian concluded his remarks, Richard Brauer spoke to the County Commission, relaying his desire to be allowed to sell his property to someone who could make "good use" of it, such as Mr. Arslanian. The hearing concluded at approximately 12:00 noon, with the commission tabling the matter for further discussion that afternoon.

When the afternoon agenda and discussion items had been concluded, the Application was revisited by the County Commission. At the close of an involved discussion by the commissioners, after reviewing the materials presented by Mr. Arslanian, and after discussing the requirements for issuance of conditional use permits outlined in Beaver County Zoning Ordinance § 10.08.080(1), the motion was made by Commissioner Johnson and seconded by Commissioner Dalton, to affirm the decision of the Planning Commission and deny the Application for Conditional Use Permit. The motion unanimously passed. To comply with the requirements of Beaver County Zoning Ordinance § 10.08.080(3), the Commission directed that the decision be reduced to writing so that the reasons for the denial could be specifically set forth, and that Mr. Arslanian be provided with a copy of the written decision. (See attached supporting documents)

A public hearing was opened at 1:00 p.m. on a rezonement petition filed by James Baumberger. The petition was to rezone from A-20 to A-10. No one appeared to comment. The hearing was closed at 1:05 p.m. It was moved by Comm. Dalton, seconded by Comm. Johnson and unanimously approved to change the zoning.

Kelly Beeson met with the Board to discuss the adoption of Ordinance No. 2005-07 - Amendment to Existing Beaver County Ordinance No. 3-812: Changes to Organization of Council on Aging. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to adopt the ordinance.

Mrs. Beeson discussed hiring an additional employee. This would result in an additional cost to the county of approximately \$6,000.00 after reduction of hours of other staff members.

Clarissa Kanell met with the Board to request a donation for her to attend the Governor's Honor Academy. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to donate \$200.00, in exchange for in kind volunteer work by Ms. Kanell at the County Fair.

Mr. Christiansen requested permission to attend the National Advocacy Center Training for Elder Abuse Prevention in South Carolina. The program is paid for by the federal government and will not cost the county anything. It was moved by Comm. Dalton, seconded by Comm. Johnson and unanimously approved to grant the request.

It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously approved to authorize the Chairman to sign a subcontractor agreement between Beaver County and the Beaver County Council on Aging for administration of a Community Development Block Grant (CDBG) for a new senior citizen center in Milford.

It was moved by Comm. Dalton, seconded by Comm. Johnson and unanimously approved to change the long distance carrier from TelAmerica to Qwest.

Mark Dotson of Western Utah Copper met with the County Commission to ratify the decision of the Planning Commission to approve a conditional use permit, which had previously been issued to Nevada Star Resources. It was moved by Comm. Dalton, seconded by Comm.

Johnson and unanimously approved that the conditional use permit be approved with the stipulation that a road agreement with the county be adopted within 60 days and be reviewed annually.

Jim Webb and Brian Mauldwin met with the Commission to ratify the decision of the Planning Commission to approve a conditional use permit for an addition to their gilt developer unit (GDU), an additional truck wash, and an addition to their boar stud unit. Road impacts as they pertain to Circle Four's operations were also discussed. It was moved by Comm. Johnson, seconded by Comm. Dalton and unanimously agreed that the conditional use permit be approved on condition that the current road agreement be reviewed.

Frank Fay and Terry Krasko from the Forest Service met with the Board to review the Forest Plan. The future planning meetings and Wilderness recommendations were discussed.

Twinkle Erwig and Tony Schmidt from the Fire District, Rowland Yardley, Mayor Wade Bradshaw, Debbie Holcomb, and Craig Wright, were present to discuss the recommendations from the Beaver Fire District Board Special Review Committee. Bryan Harris addressed the commission and explained the five areas the committee covered in their meetings, including concerns with location of fire hydrants, the Grove area, fire flow (see attached list), and improved communication with Beaver City and Beaver County. The Sleepy Lagoon fire was then discussed. A lack of firefighters on site was a major problem. Several ideas were discussed to increase the number of firefighters, including giving incentives of a free golf pass and/or swimming pass, paying a small wage while on a fire, and possible training cost reimbursements. Interaction with the fire chief and the general public was discussed. A commissioner or mayor showing up on a fire to support the efforts would be appreciated. County Dispatch can trigger the alarm at the station or it can be pulled on site, but most firefighters carry pagers and are alerted that way. If the policies and procedures need to be updated the board must address the areas and make the required changes. Comm. Whitney suggested that a personnel board may be needed to address the personnel issues, and he thanked the representatives for their input.

Teri Eyre and a number of youth representing the National History Fair requested a donation. Comm. Whitney commended the students for their efforts. The board agreed to approve a donation in the same amount as last year, in exchange for in kind volunteer work by the students at the County Fair.

Mark Walsh with Western Counties Alliance gave a brief presentation. The Western County Alliance is a non-profit organization established by western counties to increase their influence on shaping federal land management laws and policies. Mr. Walsh stated that Congressman Cannon has asked him to head this effort. Western Counties is now organizing here in Utah, and 10 to 17 county membership is their goal. Kane, Juab, Millard, Garfield, Daggett, Duchese, Uintah, and San Juan are presently involved. The intent is to involve counties in Nevada, Idaho, and Wyoming. A board comprised mainly of county commissioners will drive the process and has identified the initial issues that need to be addressed, including PILT funding on the same level as 2004 and full PILT funding within three years. In addition, a Bill co-sponsored by Representative Cannon has been introduced in the house that asks for an inventory of federal land. Each county has been asked to pay \$7,500.00 a year, with a two year commitment. Mr. Walsh was thanked for his presentation.

Bonnie Swindlehurst was present representing the Beaver and Minersville American Legion and asked the board for a donation for thirteen girls, four from Minersville and nine from Beaver for Girls State. Comm. Dalton moved, Comm. Johnson seconded, and it was passed unanimously to provide \$100.00 per girl. Each girl will coordinate with the fair chair to provide 10 hours or one full day of in kind service.

Mark Nelson and Keven Whicker met with the board to discuss noxious weeds in the county. There have been concerns with some landowners not willing to take care of the noxious weed problems. It was the consensus of the members that the Noxious Weed Board take more aggressive action with landowners to spray their weeds and/or have the county spray them, and to pay their overdue weed spraying fees owed to the county.

Doug Erickson updated the Board on the activities of the Road Department. Potential flooding concerns were also discussed. No action was taken.

The additional employee for the Senior Citizen Program was discussed. Comm. Johnson made a motion, seconded by Comm. Dalton and unanimously approved, to create the new position under the condition that there be no net increase to the Council on Aging salaries and benefits budget.

Comm. Johnson made a motion to join the Western Counties Alliance for a one year trial period at a cost of \$7,500. The chair was transferred, and Comm. Whitney seconded the motion. The motion passed on a vote of two to one. Comm. Dalton opposed the motion.

Bills on file were approved for payment.

There being no further business the meeting was adjourned.

APPROVED _____
Chairman

Clerk/Auditor

Beaver County
Beaver, UT 84713
May 27, 2005

The Board of County Commissioners met on May 27, 2005 at 10:00 a.m. for a special meeting. Those present were Mark S. Whitney, Chairman; William L. Dalton, Member; Ken Yardley, Sheriff; Leo G. Kanell, Deputy Attorney; Doug Erickson, Road Supervisor; and Paul B. Barton, Clerk/Auditor. Comm. Chad W. Johnson was present by telephone.

Lynn Kitchen, from the Soil Conservation Service, met with the Board to discuss stream flows in the county. Mr. Kitchen stated that the net water flow of water into the Minersville Reservoir is 1000 cfs. The main worry is how to control the water after the Reservoir is full. At the present rate the lake will be full by Monday. The Board would like to take the pressure off the main channel as it goes across the Milford valley by diverting some of the water into the Hays Springs Diversion. This is a channel that was constructed during the floods of 1983. If water can be diverted down this channel, it will take some pressure off the main flow in the Beaver River. There is still concern about the amount of water that needs to come off the Beaver mountains and what that means for the residents of Beaver.

It was moved by Comm. Johnson to declare a state of emergency in Beaver County due to flooding and authorize persons acting under the direction of Beaver County Officials to take emergency measures to direct flood water to reduce the potential damages to persons and property. The motion was seconded by Comm. Dalton. All voted in favor of the motion. This action is retroactive to May 20, 2005.

The Board discussed action on the Hays Springs diversion. The water will be taken out of the channel at the Greg Marshall farm and diverted down the county road approximately ½ mile to an old gravel and then back into the diversion channel. Blue Stakes was called for a location of utility lines in the area.

There being no further business, the meeting was adjourned.

APPROVED _____
Chairman

Clerk/Auditor
